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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,818	03/22/2004	Chun Kong Li	203248-0094	1485
1131	7590	10/25/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH LLP Two Prudential Plaza 180 North Stetson Avenue, Suite 2000 CHICAGO, IL 60601			MCGRAW, TREVOR EDWIN	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/805,818

Applicant(s)

LI, CHUN KONG

Examiner

Trevor McGraw

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant is directed to the Interview Summary that was mailed 07/28/2006 in regard to the rejection held against Claims 1-4 and 5-15. Applicant's arguments filed 07/03/2006 have been fully considered but they are not persuasive. Applicant is convinced that the Elkins et al. referenced as used by the Examiner does not anticipate the Claims of the present invention. It is noted that Elkins et al. has a ball that is integral with a collar and Examiner is maintaining the rejection to the claims held under 35 USC 102 (b). In addition, Examiner is providing additional grounds of rejection against the claims as stated below.

### ***Response to Amendment***

#### **Objection to Specification**

In view of Applicant's amendment, Examiner withdraws the objection to the Specification (See page 2 of Applicant's remarks).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to clearly show reference number "44a" in a way to understand the relationship of "44a" with the invention that is described in the specification. In Figure 1, "44a" is not clearly detailed and is not given a reference name. Any structural detail that is essential for a proper

understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the electroplated surfaces as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Elkins et al. (U.S. Patent No. 4,275,908, Figures 1-5). In regard to claim 1, Elkins et al. discloses a ball and socket joint assembly that has a ball (16), collar (32) and an annular skirt (28) that surrounds the collar (32) where a passageway extends through the ball and annular skirt arrangement (Figure 3).

2. In regard to claim 2, 11 and 12, in column 6 lines 47-59, Elkins et al. fully discloses that any material piece or part disclosed in figures 1-4 may have an exterior finish applied to it for an improved aesthetic appearance when preferred or be made of various materials such as metal.

3. In regard to claims 3 and 4, in column 6, lines 60-68 thru column 7, lines 1-10 and column 7, lines 59-68 thru column 8, lines 1-6, Elkins et al. further makes known that the ball and collar (32) arrangement can in fact have a threaded coupling element or other coupling means incorporated into the assembly for connecting to a plumbing device.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Elkins et al. (U.S. Patent No. 4,275,908, Figures 6-8). In regard to applicant claims 5-10, Elkins et al. teaches in figures 6 a ball (neck-82 and annular skirt-80) that has a collar that is surrounded by a skirt containing a protruding lip which is a connecting means for a secure interfering snap engagement of the collar and skirt arrangement in column 3, lines 27-45, columns 5, columns 6 and column 8, lines 10-42 of Elkins et al.

5. In regard to claims 13-15, Elkins et al. figure 3 and 4 further disclose a ball component that has a collar, passageway, skirt that surrounds and holds the collar that is configured to be attached to a water device that is a showerhead.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by James (US 3,764,074).

In regard to Claims 1-6, 8 and 13-15, James teaches a ball component (Figure 1) of ball and socket joint having a ball where a collar is integrally formed with the ball (Figure 1) with a passage extending through the ball and where the ball and collar are made of plastic and further surrounded by a skirt that is held on to the collar. The ball component of James is coupled for connecting the ball component to another plumbing component by a screw thread protrusion connection that also serves to join the collar of the ball and the skirt together where the ball is component is useful for directing a showerhead in an adjustable direction desired by the user (Column 2, lines 52-56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over James (US 3,764,074).

In regard to Claims 1-6, 8 and 11-15, James as taught above discloses the claimed invention except for the skirt being made of metal that is electroplated. It would have been an obvious matter of design choice to make the skirt out of metal and electroplate the metal skirt, since applicant has not disclosed that making the skirt out of metal instead of plastic and then electroplating the metal skirt solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the skirt being made out of plastic as taught by James.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



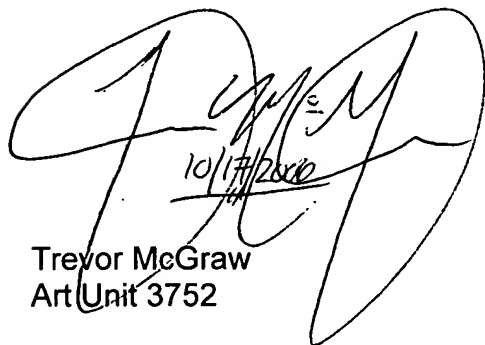
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

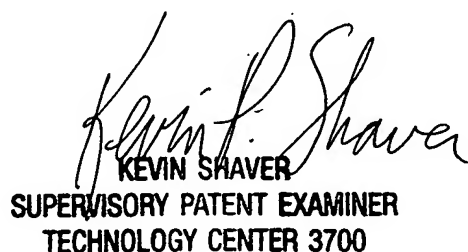
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10/17/2000

Trevor McGraw  
Art Unit 3752

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